
**Planning Commission Recommendation
to the Board of County Commissioners**

TO: Clark County Board of Commissioners

FROM: Jeff Wriston, Chair, Clark County Planning Commission

DATE: April 18, 2006

SUBJECT: Bi-Annual Code Changes

I. SUMMARY

Twenty seven (27) code changes are presented. The Planning Commission recommends that twenty six be approved by the Board of County Commissioners.

II. PROCESS

Periodically staff “batch” minor amendments to the Clark County Code to correct scrivener’s errors, clarify standards and codify interpretations of code language brought about by management decisions, hearings examiner or Board of Clark County Commissioners actions. Exhibit A includes an index of potential changes along with the proposed revisions. Language proposed to be ~~deleted~~ is struck-through. Language proposed to be added is underlined.

This is an ongoing program. The need for some of the proposed clarifications was brought to staff’s attention by customer inquiries. The Board of County Commissioners held a work session on January 4, 2006, and directed staff to proceed with the formal review process for these code changes.

A SEPA determination of non-significance was published on January 27, 2006. No comments were received.

A Legal notice of the public hearing before the Planning Commission was published on February 1, 2006.

The Planning Commission held a public hearing on March 16, 2006 (continued from February 16, 2006), received testimony and finalized the recommendation to the Board of County Commissioners.

III. ANALYSIS

Should the code changes be approved, several sections of the Clark County Code will be revised, including Title 6, Application and Service Fees; Title 14, Buildings and Structures; Title 15, Fire Prevention; and Title 40, Unified Development Code.

The Planning Commission finds that the code changes recommended for approval have no significant policy implications. However, the Planning Commission does not support Code Change number eleven (11) that addresses transfer of density provisions in planned unit developments(CCC 40.220.010(C)(5)(b) and CCC 40.520.080(D)(2)(a)). Following is background on that proposal.

Ordinance 2004-06-11 amended the density transfer provisions for single-family urban residential districts (CCC 40.220.010(C)(5)(b)). The proposal currently before the Board of Commissioners sought to bring consistency to the density transfer process for single family urban residential districts and planned unit developments.

The rationale for approval of the 2004 ordinance was to clarify encumbrances of land that are eligible for density transfer. Prior to adoption of the ordinance this code section listed several specific encumbrances of land that were eligible for density transfer and a generic “other permanent physical development limitations” as also being eligible. The question was, “What are other permanent physical development limitations”? Two types of “other development limitations” were specifically discussed: major utility easements and stormwater facilities. In the past, applicants have attempted to use Bonneville Power easements for which they already received financial compensation and voluntarily “limited” their ability to develop. Staff also had applicants attempt to use their required stormwater facility for density transfer. The Board concluded that regional stormwater facilities should be eligible for density transfer but that easements for utility transmission lines do not qualify for density transfer.

The current Planning Commission philosophically disagrees with the limitation on density transfer in planned unit developments and stated that the prior amendments to the urban residential districts should be reconsidered. While acknowledging that planned unit development regulations are intended to flexibly design around permanent physical development limitations, the Planning Commission notes that there is not a specific “density transfer” section in the planned unit development ordinance. Further, the Planning Commission does not believe that property owner receipt of financial compensation from utilities should be linked to transfer of density provisions.

IV. FISCAL IMPACT

The proposed code changes do not have a fiscal impact.

V. RECOMMENDATION

The Planning Commission recommends the Board of County Commissioners favorably consider 26 of the 27 code change proposals. The Planning Commission recommends denial of code change number eleven (11).

Enclosures:

- Exhibit A – Proposed Bi-Annual Code Changes
- Exhibit B – Planning Commission Minutes, March 16, 2006
- Exhibit C – Written Testimony received by the Planning Commission
- Exhibit D – Draft Adopting Ordinance